

E. ELIGIBILITY RESTRICTIONS FOR THE FOOD ASSISTANCE PROGRAM

Purpose: The purpose of the Food Assistance Program for Legal Immigrants (FAP) is to provide food aid to legal immigrants who are ineligible to receive federal food stamp benefits because of the restrictions imposed under federal welfare reform. This section describes which legal immigrants can receive FAP benefits.

WAC 388-424-0025 Citizenship and alien status--Eligibility requirements for the food assistance program for legal immigrants.

To receive benefits under the food assistance program for legal immigrants (FAP), a person must be:

- (1) A qualified alien who cannot receive federal food stamps because of the eligibility restrictions described in WAC 388-424-0020; or
- (2) An alien who is:
 - (a) Allowed to enter the U.S. for permanent residence by permission of the U.S. Attorney General under section 249 of the Immigration and Nationality Act (INA);
 - (b) Admitted for temporary residence under section 245A of the INA and is aged, blind, or disabled as described in Title XVI of the Social Security Act;
 - (c) Granted temporary resident status by the Immigration and Naturalization Service (INS) as a special agricultural worker under section 210 of the INA;
 - (d) Granted family unity status by the INS and the alien's spouse or parent is eligible to participate in FAP or the federal food stamp program.

CLARIFYING INFORMATION

1. Aliens who are victims of domestic violence, or whose children are victims of domestic violence, as defined in WAC 388-424-0005, are considered qualified aliens.

2. Battered aliens who are not eligible for federal food stamps may be eligible for FAP. See WAC 388-424-0020 for eligibility requirements for the federal food stamp program.
3. Battered aliens do not need to be a spouse or dependent of veterans or active duty military persons to receive FAP benefits.
4. To be eligible for FAP, battered aliens must have proof of petitioning for legal status through INS documents: I-551, I-551B or I-797. See Appendix 1 for descriptions of coding on INS documents.
5. Both parent and child(ren) can be eligible for FAP benefits if either one (or both) are battered aliens as defined in WAC 388-424-0005.

Example 1

If only mom is abused, mom and children can be eligible for FAP benefits.

Example 2

If only one or more child(ren) are abused, mom and children can be eligible for FAP benefits.

WORKER RESPONSIBILITIES

1. Appendix 1 describes the INS documents which can be used to verify the alien status of persons applying for assistance.
2. Update the client's alien status in ACES when it is changed by the INS.